GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – A.P. Civil Services (Ex.Br) Rules – Implementation of the orders dated 05.12.2014 of the Hon'ble APAT in O.A.No.5221/2013 and batch of cases subsequent orders dated 29.04.2016 in C.A.No.344/2015 in O.A.No.5221/2013 – Regularization of the services of Sri S.Bheeshmanand, in the cadre of Deputy Collector – Clarificatory Orders – Issued.

REVENUE (SER.I) DEPARTMENT

G.O.MS.No. 236 **Dated: 04-06-2016**

Read the following:-

1. G.O.Ms.No.950 Revenue (Ser-I) Department dated 20.07.2006
2. From the Hon'ble Tribunal final orders dated 05.12.2014 in O.A.No.5221/2013, O.A.No.7372/2014 with VMA No.1165/2015 & O.A.No.7482/2014 with VMAs 1156/2015 & 936/2015
3. G.O.Ms.No.69, Revenue (Ser.I) Department dated 11.02.2016
4. From the I.A.S. Officers Committee, Letter dated 11.04.2016 along with interim report
5. From the Spl.CS & CCLA, Letter No.Ser.I(1)/1956/2015 dated 12.04.2016 along with interim report of the Committee
6. Govt., Memo No.54742/Ser-I(1)/2012-9, Rev (Ser-I) Dept., dated 13.04.2016
7. From the Spl.CS & CCLA, A.P., Letter Ser-I(1)/1956/2015 dated 13.04.2016
8. Govt., Memo No.54742/Ser-I(1)/2012-10, Rev (Ser-I) Dept., dated 19.04.2016
9. Govt., Memo No.54742/Ser-I(1)/2012-11, Rev (Ser-I) Dept., dated 20.04.2016
10. From the Spl. CS & CCLA, Lr.No.Ser.I(1)/1956/2015 dated 20.04.2016 along with DPC Proceedings.
11. G.O.Ms.No.169, Revenue (Ser-I) Department dated 26.04.2016
12. From the Hon'ble Administrative Tribunal orders dated 29.04.2016 in C.A.No.344/2015 in O.A.No.5221/2013.

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ORDER :

In the reference 11th read above, orders have been issued including the name of Sri S.Bheeshmanand, in the regular panel of the Deputy Collectors for the panel year 2009-2010 against the roster point No.91 (SC) and regularize his services with effect from 19.11.2009 in the cadre of Deputy Collector, subject to the conditions that to finalization of Regular panels from 1994-95 to 2013-2014 i.e., upto 01.06.2014 and outcome of O.As and W.Ps and C.As pending before the Hon'ble APAT, High Court and Supreme Court respectively. These orders have been placed before Hon'ble Tribunal, as the order dated 05.12.2014 of the Hon'ble Tribunal in O.A.No.5221/2013 and batch of cases have been implemented. But, the Hon'ble Tribunal in its orders dated 29.04.2016 in C.A.No.344/2015 in O.A.No.5221/2013 held as follows:

"Heard both sides.

2. Learned Government Pleader submits that the respondents have issued Memo No.29103/Ser.I(2)/2013 dated 27.04.2016 and also G.O.Ms.No.169, Revenue (Ser.I) Dept., dated 26.04.2016, in compliance of the orders of this Tribunal in O.A.No.5221/2013.

3. Learned Counsel for the applicant submits that, as per the directions of this Tribunal in Para – 84 of the order, the respondents have to consider the case of applicant for regularization of his services in the category of Deputy Collector, as his name is included in the Panel Year 2001-2002 (Ad-hoc Panel), as per his suitability and eligibility and further promotion to the category of Special Grade

Deputy Collector. He further submits that, now the orders issued does not show that the applicant's name was considered in the panel year 2000-2001, but they have considered him for the panel year 2009-2010. Therefore, it is clear that the orders now issued are not in compliance of the above directions in the O.A. That apart, this Tribunal has stayed the appointment of One Man Commission by order dated 25.04.2016 in O.A.No.1462/2016. Therefore, the respondents cannot rely upon the so-called report of the Committee.

4. The respondents are directed ***to comply the orders of this Tribunal, as contained in Paragraph Nos.84-86, positively by 13.06.2016****, failing which, the Respondents 1 and 2 shall appear before this Tribunal on that day.*

5. Post on 13.06.2016."

2. The contents of Paragraph Nos.84-86 in the orders dated 05.12.2014 in O.A.No.5221/2013 and batch of the cases of the Hon'ble Tribunal is as follows:-

"84. In view of the above discussion we hold that the impugned proceedings issued in Memo No.29103/Ser.I(2)/2013 dated 24.01.2014, by the 1st respondent and the Proceedings Ref.No.D1/2369/2012, dated 27.01.2014 are in accordance with law to the extent of pending process of regularization of panels only and we see no reason to interfere with the same. ***However, we hold that the applicant's case for regularization of his services in the category of Deputy Collector shall be considered as his name is included in the 2000-2001 ad-hoc panel, as per his suitability and eligibility and further promotion to the category of Special Grade Deputy Collector****.*

86. O.A.No.5221/2013 is disposed of ***with a direction to the respondents to regularize the services of the applicant in the cadre of Deputy Collector and for inclusion in the zone of consideration for regularization against the 96 vacancies in the category of Special Grade Deputy Collector approved in G.O.Rt.No.67 dated 22.01.2014 for inclusion in the zone of consideration to the post of Special Grade Deputy Collectors for the panel year 2013-2014****. The V.M.A., stands closed. No order as to costs.***"**

3. In view of the orders of the Hon'ble Administrative Tribunal supra, the case of Sri S.Bheeshmanand, was considered for regularization in the category of Deputy Collector in the panel 2001-2002 and has been examined with reference to his suitability and eligibility and it is found that he is not eligible for consideration to regularize his services in the cadre of Deputy Collector in the panel year 2001-2002, as it is ad-hoc panel and also on the following grounds. The adhoc panel for the year 2000-2001 is Nil:-

(i) The post of Deputy Collector is governed by Andhra Pradesh Civil Services (Executive Branch) Rules, 1992. As per Note (a)&(b) under Rule-3 of said rules; (a) One third of number of substantive vacancies in the category of Deputy Collectors shall be filled by direct recruitment. (b) In a cycle of every ten vacancies, other than those meant for direct recruitment, nine vacancies shall be filled by promotion from the category of Tahsildar and the tenth vacancy shall be filled by transfer from among the Section Officer of Secretariat and Superintendents working in the office of the Commissioner of Land Revenue, Commissioner of Land Reforms, Commissioner of Relief, Commissioner of Settlement and Director of Settlements in the ratio of 1:1.

(ii) Further, as per para 14 (C) of the Government instructions issued in Circular Memo No.16/Ser.A/93-39, dated.21.04.1999, if an employee is promoted to a post earmarked for direct recruitment, his probation shall not be commenced from the date of his appointment in to the slot earmarked for direct recruitment but shall be reckoned only from the date on which he would have occupied the vacancy meant for promotee. Based on the above rule position, the Regular panels were prepared by calculating the substantive vacancies of Deputy Collectors in the respective panel year and kept aside 1/3rd of substantive

vacancies for Direct Recruitment and the remaining 2/3rd of substantive vacancies shall be earmarked for promote Deputy Collectors.

(iii) The regularization of the services of Direct Recruitment Deputy Collectors, appointed against their 1/3rd substantive vacancies, shall be reckon from the date of their appointment and the regularization of the services of Promote Deputy Collectors, shall be reckon from the date on which he would have occupied the vacancy meant for them against 2/3rd substitutive vacancies in the regular panels,. Whereas, the adhoc panels were prepared based on the vacancies available in the respective panel year including Direct Recruit vacancies, the vacancies arose due to Retirement/Promotion/Expiry of Deputy Collectors, newly created vacancies and also deputation vacancies of other Department i.e., CEO,ZP, PD, DADA, Dist.Minorities Welfare Officer etc., But, in the regular panel the vacancies earmarked for DR (1/3rd of substantive vacancies) and Deputation vacancies and newly created vacancies till completion of 5 years, shall not be taken into consideration. The Deputy Collector, who were not adjusted against the substantive vacancies were continued as Deputy Collectors on ad-hoc basis and will be adjusted in the substantive vacancy arose in the subsequent panel years, therefore, though the Deputy Collectors were promoted on adhoc basis and not adjusted in the substantive vacancies earmarked for them, they were pushed down to subsequent panel years of Regular panels. The persons who are considered in the adhoc panels can not claim regularization / seniority in the cadre of Deputy Collectors unless and until they were adjusted in their substantive vacancies in the regular panels.

4. According to said rule position, Sri K.Jayachandra Reddy, Sri V.Ananda Rao and Sri M.Nagaraju, who were senior to Sri S.Bheeshmanad in the adhoc panel 2001-2002 were considered in the regular panel for the year 2009-2010 of Deputy Collectors. But, due to administrative exigencies even their services were not regularized. None of the Deputy Collector, who is juniors to Sri S.Bheeshmanad have been considered over and above him in the regular panel 2009-2010. In view of urgency and to avoid the Contempt of Court in Case No.344/2015 in O.A.No.5221/2013 filed by Sri S.Bheeshmanand, the Special Chief Secretary and Chief Commissioner of Land Administration, Andhra Pradesh has conducted regular DPC in respect of Sri S.Bheeshmanad only and submitted the proposals to the Government for approval of Proceedings of the DPC for regular panel of Deputy Collector for the panel year 2009-2010 and to regularize his services in the cadre of Deputy Collector w.e.f 19.11.2009, based on the interim report of the IAS Officers Committee, which was constituted in **G.O.Ms.No.69, Rev (Ser-I) Dept., dated 11.02.2016**. Accordingly, Government, have issued orders including the name of Sri S.Bheeshmanand, in the regular panel of the Deputy Collectors for the panel year 2009-2010 against the roster point No.91 (SC) and regularize his services with effect from 19.11.2009 in the cadre of Deputy Collector, subject to the conditions that finalization of Regular panels from 1994-95 to 2013-2014 i.e., upto 01.06.2014 and outcome of O.As and W.Ps and C.As pending before the Hon'ble APAT, High Court and Supreme Court respectively vide G.O. 11th read above. The regularization of remaining Deputy Collector who were senior to Sri S.Bheeshmanand and also juniors to him in the regular panels from 1994-95 to 2013-2014 are under consideration.

5. As the matter stood thus, Sri D.Sanjeeva Reddy and Sri B.Rajesham, Promote Deputy Collectors have filed the O.A.No.1462/2016 and Smt M.Satyavani and 3 other Promote Deputy Collector have filed O.A.No.1856/2016 before the Hon'ble Tribunal. The Hon'ble Tribunal while admit the said O.As has granted the following interim orders dated 25.04.2016 & 11.05.2016 respectively in both O.As:-

"*Pending further orders in this Original Application, all further proceedings, in pursuance of G.O.Ms.No.69, Revenue (Ser-I) Department dated 11.02.2016, shall stand stayed.*"

6. Even if, the interim report of the Committee is not taken into consideration, as per the said interim orders, Sri K.Jayachandra Reddy, Sri V.Ananda Rao and Sri M.Nagaraju, who were senior to Sri S.Bheeshmanad including himself in the adhoc

panel 2001-2002 were considered in the regular panel for the year 2009-2010 of Deputy Collectors, based on the substantive vacancies earmarked for them in the respective panels, as per rules and their eligibility and suitability.

7. Therefore, the name of Sri S.Bheeshmanand, has been included in the regular panel of Deputy Collectors for the year 2009-2010 against the roster point No. 91 (SC) and also regularized his services with effect from 19.11.2009 in the cadre of Deputy Collector vide G.O.Ms.No.169, Revenue (Ser-I) Department dated 26.04.2016. Further, Sri S.Bheeshmanand, while working in the cadre of Deputy Collector, has been promoted to the cadre of Special Grade Deputy Collector on adhoc basis and he is continuously working as Special Grade Deputy Collector. Hence, the orders dated 05.12.2014 in O.A.No.5221/2013 and batch of the cases of the Hon'ble Tribunal have been complied with in all aspects.

8. The Special Chief Secretary & Chief Commissioner of Land Administration, Andhra Prasad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
1.The Special Chief Secretary & Chief Commissioner of Land Administration, Andhra Pradesh.
2.SriS.Bheeshmanand, Special Grade Deputy Collector, ONGC, Rajamahendrawaram, East Godavari, through the Spl.CS&CCLA, Andhra Pradesh.

Copy to:
The Government Pleader for Revenue (Services), Hon'ble APAT.

//FORWARDED::BY ORDER//

SECTION OFFICER